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Harri Lakkala

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Hollingsworth & Funk

8500 Normandale Lake Blvd., Suite 320

Minneapolis, MN 55437

EXAMINER

ADDY, ANTHONY S

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Response to Arguments

1. Applicant's arguments filed on March 29, 2010 have been fully considered but they are not persuasive.

In response to applicant's argument that, "there is nothing in Sakai, Hawkins or Sharp, whether considered individually or collectively, that teaches or suggests combining unanswered call data with a text message (see page 9, second paragraphs of the response)," examiner respectfully disagrees and maintains that the combination of Sakai, Hawkins and Sharp meets the limitations as claimed. Examiner reiterates that Hawkins teaches if a mobile telephone user ignores an incoming call, the call may be transferred to a user designated destination and a missed call screen is displayed, showing the identity, telephone number, time and date of the call (see col. 8, lines 15-19). According to Hawkins, if the caller left a message on voicemail, a third option is displayed, permitting the user to listen to the voicemail left by the caller (see col. 8, lines 21-24). Examiner respectfully agrees with Applicant's arguments that the message illustrated in fig. 8B is directed to a voicemail message (see page 9, first and second paragraph of the response), however, maintains that since Hawkins teaches or suggests that the "message" could either be a voicemail message or text/e-mail message (see col. 7, line 31-33 and Fig. 7; *Check SMS 780*), it would have been obvious to combine unanswered call data (*e.g., telephone number and time of the missed call*) with a text message, since a text message as very well known in the art can be used to convey a message to caller as the voicemail message illustrated in fig. 8B of Hawkins.

In response to applicant's argument that, "Sharp does not teach wherein content of the text message is descriptive of a reason for the unanswered call data and present the contact attempt together with content of the text message to indicate the reason for the unanswered call data (see page 10, third paragraph of the response)," examiner respectfully disagrees and maintains that Sharp as combined with Sakai, and Hawkins meets the limitations as claimed. Examiner reiterates that Sharp teaches in a message received state, a mobile phone displays the name or number of the message sender, followed by contents of the message, wherein the content of the message is descriptive of a reason (see page 18, lines 15-18, page 21, lines 15-18 and figs. 17a, 17b, 18a & 18b). For example, Sharp illustrates in fig. 17a & 18a, when the icon next to Colin indicates that this is an unread message, selecting the message Colin from within the Inbox displays the contents of the message to indicate a reason for the contact attempt (*e.g., I will be working late at home and need to ask you a question, please call me before 12*) (see page 18, lines 15-18, page 21, lines 15-18 and figs. 17a, 17b, 18a & 18b). Sharp further teaches when a call has been missed the caller details are stored in the phone's memory and the state of the phone changes to a missed call state to present text indicating that a call or calls have been missed (see page 18, lines 23-30).

Additionally, in response to applicant's argument that a prima facie case of obviousness over the combination of Sakai, Hawkins and Sharp necessarily does not exist, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See

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In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination of Sakai, Hawkins and Sharp provide adequate motivation as taught for example by Hawkins (see col. 8. lines 13-24) and Sharp (see page 18, lines 15-18 and page 21, lines 15-18).

Furthermore it appears applicant is arguing against the references individually, however it has been held that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In view of the above, the 35 U.S.C. 103(a) rejections with regard to claims **1, 3-8, 10, 12-17, 19, 21-26, 28, 30-35** and **37** using Sakai, Hawkins and Sharp are proper and are maintained.

/Anthony S Addy/
Examiner, Art Unit 2617